

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
MARLENE JOHANSEN,)	
)	
Plaintiff,)	
Counterclaim Defendant,)	
)	Case No. 04-11789-RCL
v.)	
)	
UNITED STATES OF AMERICA,)	
)	
Defendant,)	
Counterclaim Plaintiff,)	
)	
v.)	
)	
NATIONAL CITY MORTGAGE CO.,)	
and TIMOTHY BURKE,)	
)	
Counterclaim Defendants.)	
_____)	

UNITED STATES' MOTION TO DISMISS FOR MOOTNESS

The United States of America, through undersigned counsel, moves to dismiss this action pursuant to Rule 12(b)(1) for lack of jurisdiction because there is no case or controversy that requires a judicial determination. Marlene Johansen brought this action to quiet title to the real property at 71 Pleasant Street, Stoneham, Massachusetts. The United States counterclaimed asserting that its federal tax liens against Ralph Johansen, the Plaintiff's ex-husband, attached to the subject property. The outstanding federal tax liabilities have been paid, and the United States no longer asserts an interest in the subject property.

Because there is no longer a case or controversy over the subject property, this action should be dismissed as moot.

A supporting memorandum of law is attached.

MICHAEL J. SULLIVAN
United States Attorney

/s/ Stephen J. Turanchik

STEPHEN J. TURANCHIK
Trial Attorney, Tax Division
U.S. Department of Justice
Post Office Box 55
Ben Franklin Station
Washington, D.C. 20044
Telephone: (202) 307-6565
stephen.j.turanchik@usdoj.gov